

# **El Sobrante Municipal Advisory Council**

Mailing address: **3769-B San Pablo Dam Road, ES, 94803**

We meet on: **2<sup>nd</sup> Wednesday** of the Month at **7:00 P.M.**

Location: **Richmond ELKS Lodge #1251**

3931 San Pablo Dam Road, El Sobrante

The ESMAC is an advisory body to the Board of Supervisors

**Chair:** Barbara Pendergrass **Vice Chair:** Tom Owens **Secretary:** Robin Tanner

**Members at-large:** Jim Hermann, Andrew Chahrour, Ylan Hunt

**Alternates:** Xina Ash, Tom Lang

The El Sobrante Municipal Advisory Council (ESMAC) or subcommittees of ESMAC will provide reasonable accommodation for persons with disabilities planning to attend ESMAC meetings or ESMAC subcommittee meetings. Please contact the ESMAC Chair Barbara Pendergrass at least 24 hours before the meeting at 510-223-6091 or [rpender970@aol.com](mailto:rpender970@aol.com)

Printed agendas are available for review at the El Sobrante Library and at the Sheriff's Annex office. Electronic copies are available for download at: [www.cocobos.org/gioia/elsobrantemac](http://www.cocobos.org/gioia/elsobrantemac)

## **AGENDA for Wednesday, January 9, 2019 7:00 PM**

### **Pledge of Allegiance**

### **Call to Order/Welcome/Roll Call**

**Approval of Minutes** – Minutes for ESMAC 11-14-2018, 12-12-2018 included

**Treasurer's Report** – James Lyons, District Coordinator, Office of Supervisor John Gioia

### **Introduction of Speakers/Guests/Topics**

**P.1** Presentation by Sheriff's Office, Bay Station Commander, Lt. Joseph Buford

Questions – limit 2 minutes per speaker

**P.2** Presentation by California Highway Patrol

Questions – limit 2 minutes per speaker

**P.3** Presentation by Contra Costa County Fire

Questions – limit 2 minutes per speaker

**P.4** Presentation by Contra Costa County Deputy Librarian Gail McPartland. The CCC Library wants community input on the future of the El Sobrante Library. Come and give your input.

Questions – limit 2 minutes per speaker

**P.5** Presentation by James Lyons, District Coordinator for Supervisor John Gioia, monthly report

Questions – limit 2 minutes per speaker

**Public Comment** – for items not on the agenda

Questions – limit 2 minutes per speaker

**Discussions Items** – The Council will consider and act on the following:

**DI.1** Election of El Sobrante Municipal Advisory Council officers for 2019: Chair, Vice Chair, Secretary, Treasurer

**DI.2** Development plan applications, variance reports, building modification requests, appeals etc., received in the previous month from the Contra Costa County Conservation and Development Department and Notices of Public Hearings.

**SD17-9478** Public review and intent to adopt a Proposed Mitigated Negative Declaration

**Short Discussion Items**

**SDI.1** Report from El Sobrante Valley Planning and Zoning Advisory Committee

Questions – limit 2 minutes per speaker

**Information Items**

**10.1** – LAFCO Notice and Agenda for Regular Meeting 11/14/2018.

**10.2** – Contra Costa County Zoning Administer Agenda 12/17/2018

**10.3** – WCCIWMA Board of Directors Meeting Agenda - December 13, 2018

**Sub Committee Reports**

**11.1** ESMAC Land Use

**11.2** ESMAC Safety

**11.3** ESMAC Education Programs/ Outreach

**Public Comment** – for items not on the agenda Questions

– limit 2 minutes per speaker

**Announcements:** ESMAC open position

**Agenda Items / Speakers for Upcoming ESMAC Meetings**

**Adjournment:**

# **Draft Minutes November 14, 2018**

## **El Sobrante Municipal Advisory Committee El Sobrante Elks Lodge, 3931 San Pablo Dam Road, El Sobrante , 7:06 p.m.**

Pledge of Allegiance

Call to Order/Welcome/Roll Call

### Members Present:

Tom Owens, Vice Chair Robin S. Tanner, Secretary

Andrew Chahrour, Member at Large Brandy Faulkner, Member at

Large Tom Lang, Alternate

### Excused Absences: Barbara Pendergrass, Chair

Jim Hermann, Member at Large Ylan Hunt, Member at Large

Xina Ash, Alternate

### Guest:

James Lyons, Coordinator for Supervisor John Gioia

Approval of October 2018 Minutes: Approved: Tom Owens, Robin S. Tanner, Andrew Chahrour; Brandy Faulkner, Tom Lang. Nay - no one.

Treasurer's Report: \$4,231.68

### Presentation by Sheriff's Office. Lt. Buford, Deputy Jackson.

In answer to questions about loud parties, the MAC and members of audience were told that there is no noise ordinance in Contra Costa County, so there is no incentive for loud parties to quiet down. Being loud is not against any law that deputies can cite.

If a member of the public is not satisfied with how a deputy responded to a call, a supervisor can be requested. If the supervisor is unsatisfactory, a higher authority can be requested.

### Presentation by Contra Costa Fire Department, Commander Charles Taylor. The local fire academy has been accredited.

New engines and a ladder track are on their way.

Extra resources have been positioned in dangerous areas; several Red Flag days recently. The "N-95" mask can be found in the paint department of hardware stores.

As the weather has gotten colder, there has been an uptick in fires made in homeless encampments.

### Presentation by California Highway Patrol.

Sideshows - an interagency project. Cars have been impounded. Call as quickly as possible, even though it is unlikely that a CHP car can get to scene in time. Important to keep calling.

Traffic on San Pablo Dam Road - GPS systems send traffic that way. Only way to stop it is to make the route slower. Somedays there is only one CHP person for entire West County.

Important to keep calling in dangerous traffic situations so that it is evident to whoever decides these things that more resources should be allocated here.

### Presentation by James Lyons District Coordinator for Supervisor John Gioia.

### Public Comment.

Many comments on dangerous driving around El Sobrante, particularly on San Pablo Dam Road.

### Discussion Items.

D1.1 LP17-2030 - Notice of Public Review and Intent to Adopt a Proposed Mitigated Negative Declaration. This is the Shell Station across from Walgreens. The project has come up before the MAC in earlier months. No comments.

DI.2 VR18-1020 - Agency Comment Request. Applicant requests approval of a variance for a rear yard of 7 feet 1 inch where 15 feet is required for a 250 square foot addition, in order to add a bedroom and move the existing kitchen and a small lot design review. No comments.

#### Short Discussion Items

Report from El Sobrante Valley Planning and Zoning Advisory Committee

#### Information Items

- 10.1 DRAFT resolution No. 18-05A. A resolution of the Board of Directors of the West Contra Costa Integrated Waste Management Authority authorizing to member cities and Contra Costa County.
- 10.2 DRAFT resolution No. 18-05B. A resolution of the Board of Directors of the West Contra Costa Integrated Waste Management Authority authorizing to member cities and Contra Costa County.
- 10.3 Sustainable Contra Costa November 2018 Newsletter.
- 10.4 Recycle More Board of Directors November 8, 2018 meeting agenda.
- 10.5 Notice of Cancellation of the County Planning Commission Meeting for November 14, 2018.
- 10.6 Contra Costa County Zoning Administrator \*revised November 5, 2018 meeting agenda.
- 10.7 Contra Costa County Planning Commission October 24, 2018 meeting agenda.
- 10.8 Contra Costa County Zoning Administrator October 15, 2018 meeting agenda.
- 10.9 Notice of Public Hearing for October 15, 2018 Zoning Administrator meeting.
- 10.10 LAFCO Notice and Agenda for Regular Meeting, November 14, 2018

#### Public Comment

\* There could be possible news about the Adachi site. The minister of a church in El Cerrito may have some funds that could be used to possibly acquire site and turn it into some kind of community resource.

Adjournment Owens, Tanner, Chahrour, Faulkner, Lang: yes. No - none. Adjourned 9:30p.m.

# **Draft Minutes December 12, 2018**

## **El Sobrante Municipal Advisory Committee El Sobrante Elks Lodge, 3931 San Pablo Dam Road, El Sobrante , 7:06 p.m.**

Pledge of Allegiance  
Call to Order/Welcoming/Roll Call

### Members Present:

Tom Owens, Vice Chair Robin S. Tanner, Secretary Ylan  
Hunt, Member at Large Xina Ash, Alternate  
Tom Lang, Alternate

### Excused Absences:

Barbara Pendergrass, Chair  
Jim Hermann, Member at Large Andrew Chahrour, Member at Large

Guest: James Lyons, District Coordinator, Office of Supervisor John Gioia. Excused absence.

Approval of November 2018 Minutes: Tabled. Treasurer's Report: Unavailable.

Presentation by Sheriff's Office: Lt. Buford, Deputy Jackson.

Increase in car robberies, especially during Warriors' games. People warned against keeping anything in car. Crime down lately. Danger of fires in homeless encampments. CalFire responds.

Presentation by Contra Costa Fire Department: No representative.

Presentation by California Highway Patrol: Officer Leviste.

Increase of hit and runs throughout county. Increase of uninsured and underinsured drivers. The speed trailer has been reserved. Observation: As it turns out, people being stopped for speeding on San Pablo Dam Road are locals, and not people from out of the area following Waze or other apps, as was previously suspected. Abandoned vehicles and trailers: tow companies won't take them if they can't make a profit. Very expensive to break down an RV.

Presentation by James Lyons District Coordinator for Supervisor John Gioia: N/A

### Public Comment:

- \*Update on Adachi site. Possible cafe/nursery.
- \*What are the plans for fire evacuation, etc. for unincorporated Contra Costa County?
- \*A member of the public urged the Council to support the Adachi project.
- \* West County Waste Water District is 97 years old.

### Discussion Items.

D1.1 VR218-1033: Variance for front-yard setback for single-family residence. No comments. DI.2 Draft letter re: San Pablo Dam Road traffic and safety. Will be sent to MAC Chair.

### Short Discussion Items

SDI.1. Report from El Sobrante Valley Planning and Zoning Advisory Committee. SDI.2 Email Re: third request. Parking signage request for Greenbriar area.  
SDI.3. Preliminary ESMAC yearly report.

### Information Items

- 10.1 LAFCO Notice and Agenda for Regular Meeting. December 12, 2018.
- 10.2 Contra Costa County Zoning Administer Agenda. November 19, 2018.
- 10.3 County Planning Commission, Contra Costa County agenda. November 28, 2018.

- 10.4 Contra Costa County Zoning Administrator Agenda. December 3, 2018.
- 10.5 SOCO insights.
- 10.6 WCCIWMA Board of Directors Meeting Agenda. December 13, 2018.
- 10.7 WCCTAC Express Bus Study. English/Spanish.

Public Comment

Announcements. Open ESMAC position.

Adjournment Owens, Tanner, Hunt, Ash, Lang: yes. No - none. Adjourned 8:39 p.m.

John Kopchik  
Director

Deputy Director

Deputy Director

Maureen Toms  
Deputy Director

Business Operations Manager

Aruna Bhat

Jason Crapo

Kelli Zenn

## **NOTICE OF PUBLIC REVIEW AND INTENT TO ADOPT A PROPOSED MITIGATED NEGATIVE DECLARATION**

**Pursuant to the State of California Public Resources Code and the "Guidelines for Implementation of the California Environmental Quality Act of 1970" as amended to date, this is to advise you that the Contra Costa County Department of Conservation and Development , Community Development Division, has prepared an initial study evaluating the potential environmental impacts of the following project:**

1. Project Title: Balmore Court Single-Family Residential Project, including a 33-lot Subdivision, a Planned Unit District Rezoning, and a Development Plan
2. County File Numbers: SDI 7-9478, RZl 7-3239, DPI 7-3054
3. County Contact Person and Phone Number: Stan Muraoka, AICP  
(925) 674-7781
4. Project Location: Northern terminus of Balmore Court in the El Sobrante area in unincorporated Contra Costa County. (Assessor's Parcel Numbers 426-030-070, 426-030-071)
5. Project Sponsor's Name and Address: 1486 Investors, LLC  
15700 Winchester Boulevard  
Los Gatos, CA 95030
6. Description of Project: The Balmore Court Single-Family Residential Project consists of proposed Subdivision SDI 7-9478, Rezoning RZl 7-3239 , and Development Plan DP 1 7-3054 for a 6.44-acre property at the northern tenninus of Balmore Court. The project site consists of two Assessor's parcels in the El Sobrante area in unincorporated Contra Costa County. The proposed project would create a 33-lot subdivision, including 30 residential parcels, one hillside open space parcel, one storm drainage parcel, and a roadway parcel. Subsequent to the subdivision, single-family residences would

be constructed on the project site, accessed by a road extension of Balmore Court. The proposed project includes a rezoning from the existing R-6 and R-7 Single-Family Residential Districts on the project site to a P-1 Planned Unit District, to allow clustering of the single-family homes while setting aside land for hillside open space, storm drainage, and the restrictive riparian easement that was established pursuant to a grant deed of development rights to the County in 2007. The restrictive riparian easement does not allow development within 25 feet of the intermittent drainage channel along the eastern boundary of the property. Also, the applicant proposes to remove the few trees on the property that are outside of the restrictive riparian easement to accommodate development of the property, subject to a tree pennit that will be processed as part of the development plan application.

A total of 30 single-family residences would be built, with one home on each residential parcel. The homes would be clustered with 20 homes accessed from the extension of Balmore Court via five 20-foot wide shared driveways. Each shared driveway would provide access to four homes. The remaining 10 homes would have individual driveway access to Balmore Court. The extension of Balmore Court would be constructed with a pavement width of 32 feet within a 50-foot public right-of-way, with curbs, gutters, and sidewalks. The street would allow on-street parking on one side. A total of 15 on-street parking spaces would be provided, with space for an additional 20 vehicles on the driveway aprons of the 10 homes with direct driveway access to Balmore Court. The applicant proposes to have the extension become a public street. The street will require an exception to the requirements for a public street, because it does not meet the minimum width or right of way requirements. If the exception is not granted, the Balmore Court extension would be a private street.

An approximately 400-foot long section of Balmore Court north of Lindell Drive is a private street. On October 16, 2007, the County Board of Supervisors adopted Resolution No. 2007/588, whereby the County accepted offers of dedication from the six adjoining private property owners for this private street section. As part of the project, the applicant proposes to improve this section of Balmore Court to match the street improvement on the project site and have the improved section become a public street. Similar to the extension of Balmore Court, the improved section of the street will require an exception to the requirements for a public street. If the exception is not granted, the improved section of Balmore Court would remain a private street.

The proposed project includes storm water drainage facilities that would collect storm runoff in storm drains along the road extension and in concrete ditches at the edges of the residential development. The runoff would be directed to a bio-retention area in the storm drainage parcel located near the northeast corner of the property.

The project site has a General Plan Land Use designation of SH, Single-Family Residential-High Density. Approximately 75% of the 6.44-acre project site is in the R-6 Single-Family Residential District and approximately 25% of the southwest portion of the site is in the R-7 Single-Family Residential District. The applicant has requested a rezoning to a P-1 Planned Unit District to allow for the clustering of homes, with minimum yards of five feet. The residential parcels range in size from 3,254 square feet (sq. ft.) to 10,231 sq. ft. and average 4,917 sq. ft. A hillside open space parcel totaling 77,697 sq. ft. (1.78 acres) would be located generally west of the residential parcels, collect storm water flowing downhill on the open space and direct it to the bio-retention area, and buffer residences on the property from adjacent lots to the north and west. The 15,884 sq. ft. (0.36 acre) storm drainage parcel located near the northeast corner of the property would collect storm water from the subdivision in one large bio-retention area that would filter the runoff, allow percolation into the ground, and direct overflow to a City of Pinole storm drain inlet near the northeast corner of the site. The 39,507 sq. ft. (0.91 acre) restrictive riparian easement would buffer project residences from adjacent lots to the east.



**7. Surrounding Land Uses and Setting: The project site is one of three undeveloped properties on Balmore Court; however, it is the only large undeveloped property in the vicinity. Balmore Court is a public street from Allview Avenue to approximately 60 feet north of Lindell Drive. Balmore Court continues north of the public street section as a private street for a distance of approximately 400 feet. The private street portion of Balmore Court has a pavement width of approximately 24 feet near Lindell Drive and tapers to approximately 17 feet six inches at the northern terminus.**

Surrounding the project site to the south and west are single-family residences on lots of at least 7,000 sq. ft. along Balmore Court, Lindell Drive, and Kelvin Road in the R-7 District. Further south and west are single-family residences on lots of at least 6,000 sq. ft. along Allview Avenue and Mitchell Way in the R-6 District. Land to the east and north of the project site are in the City of Pinole in the Commercial Mixed Use District of the Appian Way Land Use Plan. Public storage facilities and a Days Inn are located east of the property along Appian Way. The Pinole Vista shopping center is located north of the property along Fitzgerald Drive.

The project site has varying terrain. The property is relatively flat in the eastern portion near the intermittent drainage channel and slopes upward to the southwest, west and northwest towards Lindell Drive and Pinole Vista Plaza. Slopes to the west are up to 30%, while slopes to the southwest and northwest are less steep. The intermittent drainage channel leads to a storm drain facility at the northeast corner of the property.

The project site was formerly comprised of four legal lots that were subdivided by an unrelated applicant into 25 residential parcels and a roadway parcel under Subdivision SD04-8920, which was approved in 2007. In 2015, a reversion to acreage was approved that changed the SD04-8920 subdivision site to one legal property, consisting of two Assessor's parcels. The current application would subdivide the property again, but to a different configuration than the 2007 subdivision, which would maintain the western hillside on the site as open space.

Following the approval of SD04-8920, the existing structures on the property were demolished, including three residences, and the property was graded to accommodate the subdivision. Pursuant to a tree permit that was approved as part of SD04-8920, 53 trees protected under the Contra Costa County Tree Protection and Preservation Ordinance have been removed from the property primarily along the southern, western, and northern edges of the property; however the SD04-8920 subdivision was never built and the 16 trees required to be planted as restitution for the removed trees per the approved subdivision permit have not been planted.

There is currently no structure or other impervious surface on the project site. Vegetation on the site consists primarily of a ruderal herbaceous community consisting of non-native plants and weeds. The only significant habitat on the property is the riparian woodland along the eastern boundary. The riparian habitat has been substantially compromised by prior development of parcels to the east and north of the property, such that the habitat now consists of a broken overstory of willow and walnut trees with an understory that is a mix of riparian and non-native landscape plants. There are a few trees on the property outside of the riparian habitat, including a stand of seven redwood trees at the southwest corner of the property, a cluster of four willow and poplar trees near the redwoods, and a

■  
poplar tree and a stand of locust trees along the western boundary of the property.

8. **Determination:** The County has determined that without mitigation the project may result in significant impacts to the environment. Therefore, pursuant to California Code of Regulations Section 15070, a Mitigated Negative Declaration/initial study has been prepared which identifies mitigation measures to be incorporated into the project that will reduce the impacts to less than significant levels. Prior to adoption of the Mitigated Negative Declaration, the County will be accepting comments on the Mitigated Negative Declaration/initial study during a 34-day public comment period.

A copy of the Mitigated Negative Declaration/initial study and all documents referenced therein may be reviewed in the offices of the Department of Conservation & Development during normal business hours, located at 30 Muir Road in Martinez.

**Public Comment Period** – The period for accepting comments on the adequacy of the environmental document will extend to **5:00 P.M., Monday, January 14, 2019**. Any comments should be submitted in writing to the following address:

Contra Costa County Department of Conservation & Development  
**Attn: Stan Muraoka, AICP**  
30 Muir Road Martinez, CA 94553

The proposed Mitigated Negative Declaration will be considered for adoption at a meeting of the County Planning Commission. The tentative hearing date before the County Planning Commission for the project and for adoption of the Mitigated Negative Declaration is ***Wednesday, February 13, 2019***. The hearing will be held at 30 Muir Road, Martinez. Hearing notices will be sent out prior to the finalized hearing date.

**Additional Information** – For additional information on the Mitigated Negative Declaration and the proposed project, you can contact me by telephone at (925) 674-7781, fax at (925) 674-7258 or email at [stanley.muraoka@dcd.cccounty.us](mailto:stanley.muraoka@dcd.cccounty.us)

Stan Muraoka  
●●  
●●

Stan Muraoka, AICP Senior Planner  
Department of Conservation & Development

cc: County Clerk's Office (2 copies) attachment: Project Vicinity Map

SD17-9478/RZ17-3239/DP17-3054 Project Vicinity - Balmore Court Subdivision, Rezoning, and Development Plan





## 10.1

### **NOTICE AND AGENDA FOR REGULAR MEETING**

DATE/TIME: Wednesday, January 9, 2019, 1:30 PM

PLACE: Board of Supervisors Chambers  
651 Pine Street, Martinez, CA 94553

**NOTICE IS HEREBY GIVEN** that the Commission will hear and consider oral or written testimony presented by any affected agency or any interested person who wishes to appear. Proponents and opponents, or their representatives, are expected to attend the hearings. From time to time, the Chair may announce time limits and direct the focus of public comment for any given proposal.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by LAFCO to a majority of the members of the Commission less than 72 hours prior to that meeting will be available for public inspection in the office at 651 Pine Street, Six Floor, Martinez, CA, during normal business hours as well as at the LAFCO meeting.

All matters listed under CONSENT ITEMS are considered by the Commission to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Commission or a member of the public prior to the time the Commission votes on the motion to adopt.

For agenda items not requiring a formal public hearing, the Chair will ask for public comments. For formal public hearings the Chair will announce the opening and closing of the public hearing.

If you wish to speak, please complete a speaker's card and approach the podium; speak clearly into the microphone, start by stating your name and address for the record.

#### **Campaign Contribution Disclosure**

If you are an applicant or an agent of an applicant on a matter to be heard by the Commission, and if you have made campaign contributions totaling \$250 or more to any Commissioner in the past 12 months, Government Code Section 84308 requires that you disclose the fact, either orally or in writing, for the official record of the proceedings.

#### **Notice of Intent to Waive Protest Proceedings**

In the case of a change of organization consisting of an annexation or detachment, or a reorganization consisting solely of annexations or detachments, or both, or the formation of a county service area, it is the intent of the Commission to waive subsequent protest and election proceedings provided that appropriate mailed notice has been given to landowners and registered voters within the affected territory pursuant to Gov. Code sections 56157 and 56663, and no written opposition from affected landowner or voters to the proposal is received before the conclusion of the commission proceedings on the proposal.

#### **American Disabilities Act Compliance**

LAFCO will provide reasonable accommodations for persons with disabilities planning to attend meetings who contact the LAFCO office at least 24 hours before the meeting, at 925-335-1094. An assistive listening device is available upon advance request.

**As a courtesy, please silence your cell phones during the meeting.**



## **JANUARY 9, 2019 CONTRA COSTA LAFCO AGENDA**

1. Call to Order and Pledge of Allegiance
2. **Welcome New/Returning Commissioners and Recognize Outgoing Commissioner**
3. Roll Call
4. Adoption of Agenda
5. **Selection of Chair and Vice Chair**
6. Public Comment Period (please observe a three-minute time limit):  
Members of the public are invited to address the Commission regarding any item that is not scheduled for discussion as part of this Agenda. No action will be taken by the Commission at this meeting as a result of items presented at this time.
7. Approval of Minutes for the December 12, 2018 regular LAFCO meetings

### **OUT OF AGENCY SERVICE REQUESTS**

8. ***LAFCO 18-12 – City of Martinez – Subdivision 7069 (Creeside Oaks)*** – consider a request by City of Martinez to extend municipal water service outside its jurisdictional boundary to a 7-lot subdivision (16.89± acres) located at Castle Creek Court and Casa de Campo north of Alhambra Valley Road in unincorporated Martinez; and consider related actions per California Environmental Quality Act (CEQA)

### **CHANGES OF ORGANIZATIONS/REORGANIZATIONS**

9. ***LAFCO 17-13 – Dissolution of Los Medanos Community Healthcare District (LMCHD)*** – on September 12, 2018, the Commission approved dissolution of the LMCHD which serves the Bay Point/Pittsburg area. The proposal was initiated by Contra Costa County and the Commission's approval is subject to a protest hearing. On January 9<sup>th</sup>, the Commission will receive information regarding the November 30<sup>th</sup> protest hearing. If the results of the protest are available the Commission will take action to either order the dissolution, or order the dissolution subject to an election.
10. ***County Service Area (CSA) M-9*** – consider approving the dissolution of CSA M-9 which comprises 0.41± acres and includes one parcel (APN 365-220-025) located north of the City of Orinda; and consider taking related actions under CEQA ***Public Hearing***

### **BUSINESS ITEMS**

11. ***LAFCO Policies and Procedures Committee Appointment*** – consider appointing a Commissioner to the LAFCO Policies and Procedures Committee
12. ***Fiscal Year (FY) 2018-19 2<sup>nd</sup> Quarter Budget Report*** – receive FY 2018-19 2<sup>nd</sup> quarter budget report

### **INFORMATIONAL ITEMS**

13. Commissioner Comments and Announcements
14. Staff Announcements
  - CALAFCO Updates
  - Pending Projects
  - Newspaper Articles

### **ADJOURNMENT**

*Next regular LAFCO meeting February 13, 2019 at 1:30 pm.*

LAFCO STAFF REPORTS AVAILABLE AT [http://www.contracostalafco.org/meeting\\_archive.htm](http://www.contracostalafco.org/meeting_archive.htm)

**CONTRA COSTA COUNTY ZONING ADMINISTRATOR****MONDAY, DECEMBER 17, 2018****30 MUIR ROAD****MARTINEZ, CA 94553****\*\*\*1:30 P.M.\*\*\***

NOTICE: The Zoning Administrator may alter the order of agenda items at the meeting.

The Community Development Division of the Department of Conservation and Development will provide reasonable accommodations to those persons needing translation services and for persons with disabilities who wish to participate in Zoning Administrator meetings. Please contact Hiliana Li at least 48 hours before the meeting at (925) 674-7792.

I. PUBLIC COMMENTS:

2. LAND USE PERMIT: PUBLIC HEARING

2a. WAF AA ALMAHAMID (Applicant) - AARON EDSINGER (Owner), County File #LP I 7-2007: The applicant is requesting approval of a land use permit which includes the following: a tree permit request for work within the dripline of one code-protected oak tree and grading of approximately 1,300 cubic yards of soil (650 cut, 650 fill), for the purposes of constructing a 2,799-square-foot second residence and associated improvements. The project includes exceptions to the County Code including: (1) a 12-foot-wide gravel driveway (where a 20-foot-wide paved driveway within a 30-foot-wide access easement is required); (2) vertical curve lengths of less than 100 feet on the private road (where 100 feet is the minimum); (3) horizontal curves with centerline radius of less than 60 feet on the private road (where 60 feet is the minimum); (4) diversion of stormwater on the subject property through an energy dissipater and bio-retention basin (where discharge off-site to an adequate storm drainage system is required); and (5) maintaining the roadway along Carquinez Scenic Drive as-is (where curb, 5-foot sidewalk, necessary longitudinal and transverse drainage, street lighting, and pavement widening and transitions are required). The property is located on the west side of Carquinez Scenic Drive, approximately 0.4 miles northwest of Canyon Lake Drive in the Crockett area of unincorporated Contra Costa County. CEOA: The Zoning Administrator will consider the adoption of a Mitigated Negative Declaration and related findings for this project. (Zoning: A-2 General Agricultural District) (Parcel Number: 354-290-007) JL Staff Report

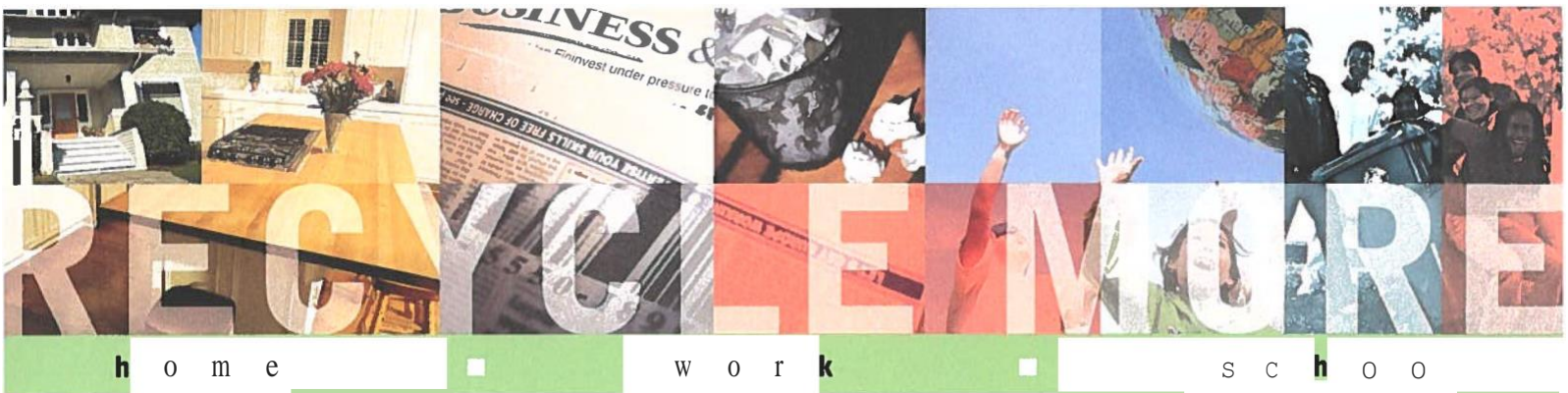
3. WIRELESS ACCESS: PUBLIC HEARING

3a. VERIZON WIRELESS C/O EPIC WIRELESS, LLC (Applicant) - PG&E/NORTHERN CALIFORNIA JOINT POLE ASSOCIATION (Owner), County File #WA I 7-0016: The applicant requests approval of a Wireless Access permit to establish a new Verizon telecommunications facility within a public right-of-way. The proposal involves installing a wooden pole extension and a four-foot antenna atop an existing utility pole, resulting in a 9.5-foot increase in overall pole height. Additional ancillary equipment is proposed to be pole-mounted between eight to eighteen feet above ground level. The subject utility pole is located in the Smith Road right of way near 279 Smith Road, in the Alamo area. (Zoning: R-40 Single-Family Residential) (APN ROW 196-100-005) AV Staff Report

PLEASE NOTE: THE NEXT MEETING OF THE CONTRA COSTA COUNTY ZONING ADMINISTRATOR WILL BE HELD ON MONDAY, JANUARY 7, 2019.

Staff reports prepared for hearing items may be obtained by calling the Community Development Division at (925) 674-7792 or by visiting our office at 30 Muir Road, Martinez, California. Environmental Impact Reports have been prepared for each of the agenda items indicated by an asterisk (\*).

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Community Development Division to the Zoning Administrator less than 72 hours prior to that meeting are available for public inspection at the Community Development Division of the Department of Conservation and Development, 30 Muir Road, Martinez, California during normal business hours.



## Board of Directors Meeting Agenda

December 13, 2018

7:00 p.m.

San Pablo City Hall City Council Chambers  
1 Alvarado Square (13831 San Pablo Avenue) San Pablo, CA 94806

### Americans with Disabilities Act

*In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet in an alternative format, please contact the Authority's Manager of Administrative Services at (510) 215-3125. Notification of at least 48 hours prior to the meeting or time when services are needed will assist Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.*

### Public Comment

*Members of the public may address the Board of Directors on items that are within the jurisdiction of the Authority. Comments by the public pertaining to items listed in this Agenda should be made at the time the item is considered by the Board of Directors. Please note this Agenda contains an item for the Public to address the Board on non-agenda matters. Each speaker is limited to 3 minutes and may speak only once under each agenda item. The Board of Directors may waive these provisions. If you desire to address the Board, please submit your request on a Speaker's Card available from the Secretary.*

#### 1. CALL TO ORDER AND ROLL CALL

The Chair will call the meeting to order and the Secretary will call the roll to establish the presence of a quorum.

#### 2. PLEDGE OF ALLEGIANCE

The Chair or a Member of the Board will lead the Pledge of Allegiance.

#### 3. EX PARTE COMMUNICATIONS DISCLOSURES

The Chair of the Board will ask if any Director has an ex parte disclosure, pursuant to the Authority's Ex Parte Communications Policy, on any agenda item.



recyclemore  
WEST CONTRA COSTA INTEGRATED



#### **4. PUBLIC COMMENT**

Receipt of public comment on non-agenda matters.

#### **5. CONSENT CALENDAR**

All matters listed in the Consent Calendar will be enacted with one motion. There will be no separate discussion of the items listed. However, upon request by a member of the Board or the Public, items will be removed from the Consent Calendar and considered separately in the agenda order.

Consideration of a motion to approve the following actions:

##### **5.1 Updated Minutes for October 18, 2018 and November 8, 2018 Authority Board Meeting Minutes**

Consideration of ADOPTION OF A MOTION to approve the subject minutes.

*Note: To vote on the adoption of the minutes does not require a Director to have been present at the subject meeting.*

##### **5.2 Upcoming Board Agenda items**

Receive and file Upcoming Board Agenda Items Report.

##### **5.3 Follow Up Information from November 2018 Board Meeting**

Receive and file report addressing Board questions from November 2018 Board meeting.

##### **5.4 Republic Third Quarter 2018 Post-Collection Agreement Report**

Receive and file Post-Collection Agreement Third Quarter 2018 Report as submitted by Republic Services.

#### ***END OF CONSENT CALENDAR***

#### **6. STAFF REPORT**

Staff will provide updates on recent and upcoming activities.

##### **Process for Addressing Agenda Items Before the Board of Directors**

- *Chair reads the agenda item*
- *Staff presents their report*
- *Board questions staff*
- *Public comments are heard*
- *Board discusses item*
- *A motion is made*
- *Final Board discussion*
- *Motion is restated and seconded for the record*
- *Board votes or provides direction to staff*

## **7. CLOSED SESSION**

1. Public Employee Performance Evaluation Title: Legal Counsel: Closed session with respect to every item of business to be discussed in closed session pursuant to Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Title: Legal Counsel.
2. Report Out of Closed Session: Provide a report to the Public in open session of reportable action(s) taken by the Board during closed session.

## **8. REGULAR AGENDA**

### **8.1 Future Authority Legal Services**

Provide direction to staff on continuing legal services through the current agreement with Meyers Nave, or procuring legal services through a Request for Proposal process.

### **8.2 Executive Director Recruitment Committee and Update**

1. Hear a brief oral presentation from Paul Kimura of Avery and Associates.
2. Consideration of a motion to appoint a limited term Board Committee to make recommendations to the Board on Executive Director Recruitment issues.

### **8.3 Preliminary Discussion and Board Direction on Mandatory Paint Recycling Ordinance**

1. Hear an oral presentation from California Product Stewardship Council Executive Director Doug Kobold
2. Provide direction to staff on mandatory paint recycling ordinance.

### **8.4 Professional Services Agreement with the California Product Stewardship Council**

1. Hear an oral presentation from California Product Stewardship Council
2. Consideration of a motion to approve a professional services agreement with the California Product Stewardship Council, in an amount not to exceed \$47,910 to coordinate activities and assist the West Contra Costa Integrated Waste Management Authority with the implementation of the HD 31 Grant, Number HD 31-18-003 from December 14, 2018 through September 30, 2021.

### **8.5 Household Hazardous Waste Side Agreement**

Consideration of a motion to approve and authorize the Executive Director to execute a household hazardous waste balancing account side agreement with Republic Services.

### **8.6 Joint Exercise of Powers Agreement (JEPA) Update**

1. Receive and file Joint Exercise of Powers Agreement (JEPA) update report.
2. Provide direction to staff.

## **8.7 Re-Schedule or Cancel January 2019 Board Meeting**

1. Consideration of a motion to reschedule the January 2019 RecycleMore Board Meeting from January 10, 2019 to January 24, 2019; or
2. Consideration of a motion to cancel the January 2019 RecycleMore Board Meeting.

## **8.8 Resolution Commending Kenton L. Alm for More than 20 Years of Service to the West Contra Costa Integrated Waste Management Authority (RecycleMore)**

Consideration of a motion to approve Resolution 18-06 commending Kenton L. Alm for more than 20 years of distinguished service as Legal Counsel to the West Contra Costa Integrated Waste Management Authority.

### **END OF REGULAR AGENDA**

## **9. BOARD MEMBER AND STAFF ANNOUNCEMENTS**

INFORMATION ONLY. Announcement of matters of interest by Board Members, Alternate Board Members, Executive Director and General Counsel.

## **10. ADJOURNMENT**

Consideration of a motion to adjourn. The next Board of Directors' Meeting is scheduled for January 10, 2019.



**Date:** December 12, 2018

## **Addenda to Agenda Reports**

## Addenda to Agenda Items 8.4 and 8.7

**To: From:** West Contra Costa Integrated Waste Management Authority Board Stan Hakes, Executive Director  
**Subject:** Final Household Hazardous Waste (HHW) Side Agreement and Resolution Commending Kenton L. Alm

## **AGENDA ITEM 8.4 • HHW SIDE AGREEMENT**

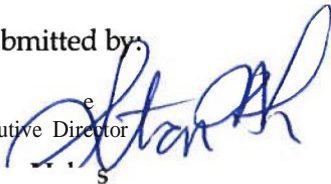
The December 13, 2018 Board meeting agenda includes Agenda Item 8.4, a report recommending approval of a Household Hazardous Waste (HHW) budget and balancing account side agreement (HHW Side Agreement). The 8.4 agenda report included an "almost final" copy of the proposed HHW Side Agreement. The report noted the Board would be provided with a copy of the final proposed HHW Side Agreement prior to the Board meeting. A copy of the final proposed HHW Side Agreement is included with this addenda as Attachment 1. Two words ("All other") have been added to the Page 8 - Section 11 of the final proposed HHW Side Agreement; otherwise, the final proposed HHW Side Agreement includes the same language as the "almost final" proposed HHW Side Agreement.

## **AGENDA ITEM 8.7 • RESOLUTION COMMENDING KENTON L. ALM**

The December 2018 Board meeting agenda also includes Agenda Item 8.7, a report recommending approval of Board Resolution 18-06 commending Mr. Kent Alm for many years of dedicated service as Authority Legal Counsel. The 8.7 agenda report noted the Board would be provided with a copy of the proposed Resolution 18-06 prior to the Board meeting. A copy of the proposed Resolution 18-06 is included with this addenda as Attachment 2.

Submitted by:

St  
Executive Director



Attachment 1: Proposed Final HHW Side Agreement Attachment 2: Proposed Final Resolution 18-06

## Side Letter of Agreement: Budget and Balancing Account for Household Hazardous Waste Operations

1. This Side Letter Agreement ("HHW Agreement") is between the West Contra Costa Integrated Waste Management Authority ("Authority"), and West County Resource Recovery, Inc.; West Contra Costa Sanitary Landfill, Inc.; Golden Bear Transfer Services, Inc.; Richmond Sanitary Service, Inc.; and Keller Canyon Landfill Company operating subsidiaries of Republic Services, Inc.) (hereinafter collectively, "Contractor"). The Authority and Contractor may be referred to individually as "Party" or collectively as "Parties."

2. On October 10, 2013, the Authority and Contractor entered into a Post-Collection Recycling, and Disposal Services Agreement ("Post-Collection Agreement" or "Agreement"). Unless otherwise defined herein, all capitalized terms shall have the same meaning as set forth in the Post-Collection Agreement. If there is conflict between this HHW Agreement and the Post-Collection Agreement, the terms of this HHW Agreement shall prevail.

a. Section 4.1.7 of the Post-Collection Agreement provides that "Contractor shall contract with a vendor acceptable to the Authority for the operation of a permanent Household Hazardous Waste (HHW) drop-off facility located at 101 Pittsburg Avenue, North Richmond) ["HHW Facility"] that shall serve the Member Agencies (Richmond, El Cerrito, San Pablo, Pinole, Hercules, and Contra Costa County unincorporated communities within the Authority service area). There are separate agreements with Contra Costa County to include the unincorporated communities adjacent to the Authority's service area (Kensington, Rodeo, Crockett, Port Costa, and Tormey). The types of materials accepted, as well as days and hours of operation shall be determined by Authority, after good faith consultation with Contractor and County and may be subject to change at any time by the Authority Board of Directors with input from Contractor and County, subject to reasonable implementation lead time and budget considerations.

3. On January 1, 2014, Contractor initiated services under the Post-Collection Processing and Landfill Disposal Service Agreement with the City of El Cerrito ("El Cerrito Post-Collection Agreement"). Contractor's existing obligations to provide household hazardous waste services to the City of El Cerrito as a Member of the Authority at the HHW Facility are referenced in Section 4.1 (e) of the El Cerrito Post-Collection Agreement. For the purposes of this HHW Agreement, Contractor shall be allowed to contract with a vendor acceptable to the Authority for the operation of one or more satellite Household Hazardous Waste facilities as they may be or are developed within the Authority's service area that shall serve the Authority's member agencies

including the City of El Cerrito, and the unincorporated communities of Contra Costa County within Authority's service area. The other unincorporated areas of Contra Costa County outside the Authority service area shall be included by a separate agreement among Authority, Contractor, and County. The annual budget for HHW services and this HHW Agreement shall apply to any satellite HHW facility developed within the Authority's service area.

4. The Authority acknowledges that the Contractor has the right to utilize its assets and market its services. To the extent Contractor allows any additional ("out-of- area") jurisdictions to deliver HHW materials to the HHW Facility with the Authority as the generator of record, the Contractor and the Authority will meet and confer to develop an acceptable arrangement. The mutually acceptable arrangement will be included in the Republic annual HHW Budget submittal to the Board of Directors for review and consideration of approval.

5. Section 5.3.3 of the Post-Collection Agreement provides that Contractor and the Authority Contract Manager shall jointly prepare and submit a draft HHW budget to the Authority Board of Directors for its review and approval (HHW Budget). Section 5.3.3 further provides that the Board, "may approve that budget as submitted or may request modifications to the budget, including requesting either an increase in service levels or a reduction or elimination of Services to reduce costs." Once approved, the HHW Budget shall serve as the revenue requirement for the HHW portion of the Rate for the coming year. The HHW component of the 2014 rate was established based on jointly estimated calendar year proposed cost of service of seven hundred ninety-one thousand one hundred forty-four dollars (\$791,144). Section 5.3.3 further provides that "Contractor shall be entitled to an operating margin of eleven and fifty-five one hundredths percent (11.55%) for calendar year 2014 and fifteen percent (15%) in all subsequent Rate Years."

6. The Parties agree that the costs of the HHW Facility are variable, due to factors such as variable days and hours of operation, labor costs and the costs of handling and properly disposing of the HHW materials received from the public. The Parties are interested in creating an equitable solution to the handling of those costs, in the event that costs exceed or fall short of budgeted amounts.

7. The intent of this HHW Agreement is to memorialize a procedure for establishing the HHW Budget for all subsequent Rate Years, using a balancing account approach.

8. The Parties therefore agree upon the following terms and conditions:

a. The Board of Directors shall, on an annual basis, approve an HHW Budget prior to December 1 for the following calendar year's budget.

b. In establishing the HHW Budget for the following calendar year, the Parties shall consider Contractor's actual prior year costs incurred in the operation of the HHW Facility. The line item accounts for prior year costs are identified in Exhibit A.



- c. In establishing the HHW Budget, the Parties shall also agree upon certain operational parameters, including, but not limited to, the assumed number of part-time and full-time staff; the days and hours of all HHW facilities operations; and assumed volume of HHW materials received by type. These operational parameters will form the basis of annual allowable costs for the HHW Budget, as described in Exhibit A.
- d. Unless the Parties are proposing changes to the operational parameters, some of the current year budget line items would be adjusted by the average monthly change in the San Francisco-San Jose-Oakland All Urban Consumers CPI (CPI) to arrive at the HHW Budget for the following calendar year as described in Exhibit A. Exhibit A shall identify those budget items to be subject to the CPI adjustments.
- e. Except in the event of an emergency or other exigent circumstance, neither Authority nor Contractor may adjust the operational parameters of the HHW Budget without prior written authorization of the Board of Directors. The Authority and Contractor must mutually determine whether an emergency or other exigent circumstance exists.
- f. If the HHW Budget parameters are changed without approval of the Board of Directors and those adjustments result in increased costs of operation, those increased costs shall not be allowable in consideration of the balancing account established below.
- g. Once the HHW Budget is approved for the calendar year, neither Contractor nor the Authority shall add new categories of allowable costs in Exhibit A without the Authority verification and written authorization of the Board of Directors.
- h. The previous approved Budgets in prior years have been approved by the Authority Board of Directors as follows:
- 2014 Budget \$791,144
- 2015 Budget \$836,818
- 2016 Budget \$857,284
- 2017 Budget \$978,684
- 2018 Budget \$1,058,785
- Contractor will provide Authority with a reconciliation of actual expenses vs. budget amounts for 2014, 2015, 2016, and 2017. Contractor and Authority agree that the overall reconciliation for 2014 through 2017 would be in favor of Contractor, with Contractor receiving a direct payment or credit of no more than \$41,500. Contractor waives the right to any further payment, reimbursement, credit or other compensation after the

Annual Statement line item reconciliation of actual expenses vs. budget amounts for 2014, 2015, 2016, and 2017 is completed.

Contractor will provide Authority with a reconciliation of actual expenses vs. budget amounts for 2018 by April 1, 2019. The reconciliation for years 2014, 2015, 2016, 2017 and 2018 shall include details of actual costs incurred and actual total revenues received compared to the approved budget in the operation of the HHW Facility for that calendar year, including any revenues allocated to the HHW Budget from jurisdictions other than the Member Agencies. The reconciliation shall include supporting documentation from Contractor's vendors and subcontractors. The reconciliation shall also be in a format as agreeable by the Authority in good faith consultation with the Contractor. Upon the Authority's request, Contractor shall provide any additional records not already provided with the reconciliation, that are relevant to the determination of the accuracy and appropriateness of the reported revenues and costs. Contractor shall grant such access to the relevant records within thirty (30) calendar days of such request. Contractor may provide electronic or hard copies of such records. The Authority acknowledges that some records may be "trade secrets" and must be kept confidential. Either the Authority or the Contractor shall be entitled to recover any surplus/ shortfall in actual revenues relative to actual allowable costs. The Authority or the Contractor shall recover such surplus/ shortfall either by (a) a direct payment; or (b) as a credit/ debit against the following year's rates.

i. To manage the HHW Budget, the Parties further agree to establish a balancing account effective January 1, 2019, for the remainder of the term of the Post- Collection Agreement.

j. The intent of the balancing account is to create an equitable arrangement to allow sufficient, but not excessive, revenues to cover actual costs and agreed-upon operating margin. The balancing account shall function as follows:

i. Contractor will provide Authority with a reconciliation of actual expenses vs. budget amounts for the previous budget year in the form of an "Annual Statement".

ii. The "Annual Statement" shall be developed as follows: Within one hundred twenty (120) days following the end of each calendar year, Contractor shall submit to the Authority its statement of actual costs incurred and actual total revenues received compared to the approved budget in the operation of the HHW Facility for that calendar year, including any revenues allocated to the HHW Budget from jurisdictions other than the Member Agencies. The Annual Statement shall include supporting documentation from Contractor's vendors and subcontractors. The Annual Statement shall also be in a format as agreeable by the Authority in good faith consultation with the Contractor.

- iii. In reviewing the Annual Statement, the Authority Contract Manager and the Contractor shall determine if actual allowable costs exceeded annual budgeted costs, and if actual revenues exceeded or fell short of budgeted revenues. Upon the Authority's request, Contractor shall provide any additional records not already provided with the Annual Statement, that are relevant to the determination of the accuracy and appropriateness of the reported revenues and costs. Contractor shall grant such access to the relevant records within thirty (30) calendar days of such request. Contractor may provide electronic or hard copies of such records. The Authority acknowledges that some records may be "trade secrets" and must be kept confidential. The Authority Contract Manager may deny or reject an increase in the HHW Budget for the following year if Contractor fails to provide such requested records within thirty (30) calendar days. Beginning in Calendar Year 2019, Authority and Contractor agree that line item accounts for fuel, utilities, property tax and insurance, as listed in Exhibit A and as included in the 2019 Board Approved HHW budget, are not subject to reconciliation. These four-line items shall be subject to an annual CPI adjustment as described in Exhibit A for all subsequent years and will be considered actual costs.
- iv. The Authority shall review and either approve or reject the Annual Statement within sixty (60) days of receipt of the same. However, if any reported revenues and/or costs are disputed by the Authority, the Authority's approval of the Annual Statement may be delayed until such disputed items are resolved. Authority shall provide Contractor with a detailed statement outlining the areas of dispute. Contractor and the Authority shall then resolve any disputes pursuant to Section 8.17 of the Post-Collection Agreement.
- v. Upon the Authority's approval of the Annual Statement, Contractor shall be allowed to recover any shortfall in actual revenues relative to actual allowable costs. If the amount of any shortfall is twenty-five thousand dollars (\$25,000) or less, then the Authority shall compensate Contractor for the shortfall through a direct payment to Contractor. If, however, the amount of any shortfall is greater than twenty-five thousand dollars (\$25,000), then the Authority shall compensate Contractor for the shortfall either through (a) a direct payment to Contractor; or (b) by adjusting the following year's rates.
- vi. In addition, the Authority shall be entitled to recover any surplus in actual revenues relative to actual allowable costs. The Authority shall recover such surplus either by (a) a direct payment from Contractor; or (b) as a credit against the following year's rates.
9. On June 17, 2017 Contractor contracted with a vendor acceptable to the Authority and the City of El Cerrito for the operation of a satellite HHW facility located at 7501 Schmidt Lane in El Cerrito, California pursuant to an Agreement between

Contractor, the Authority and El Cerrito ("El Cerrito Facility"). The El Cerrito Facility serves the Member Agencies. The HHW budget for the El Cerrito Facility shall be part of the entire HHW Budget approved by the Authority Board of Directors. The HHW Budget for the El Cerrito Facility shall not include any non-allowable costs identified in Exhibit A.

10. This HHW Agreement shall expire upon completion of the final HHW Budget reconciliation which shall be conducted after expiration of the Post-Collection Agreement.

11. The terms and conditions set forth in this HHW Agreement have been mutually agreed upon by the Parties.

## **West Contra Costa Integrated Waste Management Authority**

\_\_\_\_\_  
Stan Hakes, Executive Director Dated: \_\_\_\_\_

**West County Resource Recovery, Inc.; West Contra Costa  
Sanitary Landfill, Inc.; Golden Bear Transfer Services, Inc.;  
Richmond Sanitary Service, Inc.; and Keller Canyon Landfill  
Company**

\_\_\_\_\_  
:Michael Caprio, Area President Dated:- \_\_\_\_\_

## Exhibit A: Allowable Costs

## A. Allowable Costs

Contractor shall calculate its cost of operations including the actual and direct costs of operating the HHW Programs, Permanent HHW Facility, any satellite HHW Facilities, special one day collection events, and any additional HHW services/programs as necessary for the following allowable costs:

1. Direct wages and benefits paid to Contractor for an HHW supervisor who oversees HHW programs and manages the budget in cooperation with the Authority. For the 2019 Budget, the amount is ninety-two thousand four hundred thirty four dollars (\$92,434). This amount will be estimated for budget purposes using the actual fully loaded wages for the previous twelve months from July 1<sup>st</sup> through June 30<sup>th</sup>. For the 2020 budget, this amount will be increased by 85% of the CPI for each subsequent budget beginning with the 2020 budget until the end of the PC Agreement.
2. Maintenance supplies, spare parts, consumables & outside services costs incurred directly to perform the HHW services required under the Post-Collection Agreement. For the 2019 budget, this amount is forty-three thousand two hundred forty-eight dollars (\$43,248). This amount will be increased by 85% of the CPI for each subsequent budget beginning with the 2020 budget until the end of the PC Agreement.
3. HHW Facility Outside Services which are limited to the subcontracted services of Stericycle (or a replacement subcontractor approved by the Authority) for the receipt, handling, processing, and responsible disposal of the materials collected by the HHW program. Contractor shall separately account for and report the various components of this cost (i.e. labor, handling, transportation, material disposal, etc.) in both their budget request and Annual Statement. For the 2019 budget, this amount is five hundred fifty-two thousand dollars (\$552,000). For budget purposes, this amount will be the actual costs for the previous twelve months from July 1<sup>st</sup> through June 30<sup>th</sup>. For the 2020 budget, this amount will be increased by 85% of the CPI for each subsequent budget beginning with the 2020 budget until the end of the PC Agreement.
4. Fuel costs incurred in the operation of mobile equipment used specifically for the benefit of the HHW program. To the extent that such mobile equipment is shared with other operations of Contractor, Contractor shall have the burden of demonstrating the appropriateness of the allocation of these costs to the Authority's Executive Director. For the 2019 budget, this amount is two thousand eight hundred fourteen (\$2,814). This amount will be increased by 85% of the CPI for each subsequent budget beginning with the 2020 budget until the end of the PC Agreement.
5. Utilities costs incurred by Contractor in the operation of the HHW program. For the 2019 budget, this amount is eleven thousand five hundred

seventeen (\$11,517) dollars. This amount will be increased by 85% of the CPI for each subsequent budget beginning with the 2020 budget until the end of the PC Agreement.

6. Property taxes are the total property taxes paid by Contractor for the 101 Pittsburg Ave., Richmond. For the 2019 budget, the allocated amount to the HHW facility is fifteen thousand five hundred forty-four dollars (\$15,544). This amount will be increased by 85% of the CPI for each subsequent budget beginning with the 2020 budget until the end of the PC Agreement.

7. Insurance costs directly attributable to the operation of the HHW program for the types and levels of coverage required by the Agreement. For the 2019 budget, this amount is nine thousand two hundred eighty (\$9,280) dollars. This amount will be increased by 85% of the CPI for each subsequent budget beginning with the 2020 budget until the end of the PC Agreement.

8. JPA Requested Programs will be budgeted based on a budget for those programs as determined jointly by the Authority and Contractor.

9. Contractor expenses for Household Hazardous Waste, motor oil, and universal waste training, education networking and related travel expenses not to exceed \$3,500 per year.

10. Capital costs or Depreciation included in a Board approved annual HHW Budget.

11. All other unforeseen costs such as payments to repair damage, fines and penalties not due to Contractor's negligence, both the Authority and Contractor agree to meet and confer in good faith towards a resolution.

#### B. Non-Allowable Costs

Non-allowable costs shall not be included in the Annual Statement and, if determined by the Authority to have been included in the Annual Statement, shall be deducted from actual costs. Non-allowable costs include but are not limited to the following:

1. Any costs or portions of allocated costs associated with the Contractor's provision of similar services to "out of area" users of the HHW Facility that are not approved by Authority Board of Directors.

2. Labor and equipment costs for personnel and vehicles that are not specified in the operational parameters and assumptions that are approved as part of the HHW Budget.

3. Payments or other compensation to managers, directors, and/ or owners of Contractor.

4. Corporate overhead allocations or other charges for Contractor's selling, general, and/or administrative employees, except for insurance and other overhead included in a Board approved annual HHW Budget.
5. Travel and entertainment expenses except for Household Hazardous Waste, motor oil and universal waste training, education networking and related travel expenses.
6. Payments to repair damage to public or private property due to Contractor's negligence.
7. Fines or penalties due to Contractor's negligence.
8. Liquidated Damages assessed under the Agreement.
9. Federal or State income taxes.
10. Charitable or political donations, except non-profit organization HHW fees waivers approved by Rec) cleMore staff.
11. Depreciation or interest expense for Collection vehicles, Containers, other equipment, offices and other facilities if such items are leased unless approved by the Board as part of the Budget.
12. Attorney's fees and other expenses incurred by Contractor in any dispute, negotiation, or court proceeding.
13. Attorney's fees and other expenses incurred by Contractor arising from any act or omission in violation of the Agreement.
14. Payments to Affiliates for products or services, in excess of the cost to the Affiliates for those products or services.
15. Goodwill.
16. Profit and/ or profit sharing distributions exceeding the operator's margin described in the Agreement.
17. Bad debt.







*RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
WEST CONTRA COSTA INTEGRATED WASTEMANAGEMENT AUTHORITY  
RECOGNIZING AND COMMENDING KENTON L. ALM FOR MORE THAN 25 YEARS OF  
DISTINGUISHED SERVICE AS AUTHORITY LEGAL COUNSEL*

*WHEREAS, Mr. Kenton L. Alm began service in 1991 and has provided many years of dedicated service as Legal Counsel for the West Contra Costa Integrated Waste Management Authority ("Authority");and,*

*WHEREAS, Mr. Alm has attended and participated in more than 150 Authority Board and Board Committee meetings;*

*WHEREAS, Mr. Alm has consistently provided the Authority Board and Authority Executive Directors with sound, reliable, and up to date legal advice and service; and*

*WHEREAS, Mr. Alm has utilized his extensive knowledge and skills in the areas of solid waste management; local and state legislation; legal, personnel and parliamentary procedures; contract negotiation and compliance; and finance matters among others, to benefit the Authority and the West Contra Costa community; and*

*WHEREAS, Mr. Alm has guided the Authority through numerous challenging projects, including negotiation of post-collection agreements, El Cerrito Satellite HHW Facility planning and contract negotiation and other important projects; and*

*WHEREAS, Mr. Alm recently announced that he is semi-retiring, and that his service as Authority Legal Counsel will end effective December 31, 2018.*

*NOW, THEREFORE, the Board of Directors of the West Contra Costa Integrated WasteManagement Authority hereby extends its sincere appreciation and commends Kenton L. Alm for his outstanding service to the Authority and the West Contra Costa community, on this 13<sup>th</sup> day of December, 2018.*

*CHAIR OF THE BOARD*

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*Ben Choi*